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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
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11 ELIZABETH LEASING, LLC,
a Colorado Limited Liability Company,

12 Plaintiff,

13 v.
14

15 UNITED STATES CUSTOMS AND
BORDER PROTECTION,

16 Defendant/Respondent.

2:20-CV-191-GMN-VCF

**United States Customs and
Border Protection's Unopposed
Motion to Toll Civil and
Statutory Deadlines**

(First Request)

17 This is the First Unopposed Motion to Toll Civil and Statutory Deadlines. The United
18 States Customs and Border Protection (CBP), with the consent of Plaintiff Elizabeth Leasing,
19 LLC, respectfully requests that this Court toll any and all party filing deadlines and court
20 statutory decision deadlines for sixty days from the date of this Motion's filing.

21 This Motion is made pursuant to Local Rule LR IA 6-1, Fed. R. Civ. P. 6(b)(1) and
22 12(a)(2), and 18 U.S.C. § 983(f)(5). The grounds for this Motion are: (1) Plaintiff has
23 initiated a civil action against CBP for interest, costs, and attorney's fees related to a
24 currency seizure that took place in Las Vegas, Nevada in November 2018; (2) the parties
25 are currently engaged in settlement negotiations; (3) although the parties disagree about
26 whether the current controlling deadline is for CBP to file a civil answer or for the Court to
27 render a decision on Plaintiff's civil action, they agree that there is a reasonable likelihood
28 that this matter will be resolved without further litigation; and (4) tolling any and all party

1 filing deadlines and court statutory decision deadlines for sixty days stands to save the
2 parties and this Court substantial time and resources. The current deadline for CBP to file a
3 civil answer, if that is the controlling deadline, is March 27, 2020.

4 DATED this 26th day of March 2020.

5 Respectfully submitted,

6 NICHOLAS A. TRUTANICH
7 United States Attorney

8 /s/ James A. Blum
9 JAMES A. BLUM
Assistant United States Attorney

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11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 In November 2018, CBP seized \$72,000.00 in United States currency from Dana
13 Gignac, an employee of Plaintiff. The United States Attorney's Office declined to pursue a
14 civil action for forfeiture in rem of the \$72,000 and returned the property to Plaintiff. In
15 January 2020, Plaintiff filed a civil action for the payment of interest, costs, and attorney's
16 fees. Since that time, the parties have been engaged in settlement negotiations.

17 As part of the parties' negotiations, they have discussed whether the current
18 controlling deadline is the date for CBP to file a civil answer (calculated as March 27, 2020)
19 or for the Court to render a decision on Plaintiff's civil action. The parties do not agree on
20 which is the current controlling deadline. However, the parties agree that it is not currently
21 necessary to resolve that disagreement and that, in either case, halting the litigation for
22 sixty days will facilitate ongoing settlement negotiations.

23 CBP submits that good cause exists for this Court to toll any and all party filing
24 deadlines and court statutory decision deadlines for sixty days because (1) the parties
25 believe that a sixty-day period will allow them to conclude their settlement negotiations;
26 and (2) allowing the parties to attempt to settle this matter without further litigation stands
27 to save the parties and this Court substantial time and resources. Counsel for CBP
28 (Assistant United States Attorney James A. Blum) and counsel for Plaintiff (Christopher B.

1 Phillips, on behalf of The Wright Law Group) have discussed this matter, and the parties
2 agree to the proposed tolling of any and all deadlines for sixty days.

3 This Motion is not submitted solely for the purpose of delay or for any other
4 improper purpose.

5 WHEREFORE, CBP respectfully requests that this unopposed Motion be granted
6 and that any and all deadlines be tolled for sixty days from the date of this filing.

7 DATED this 26th day of March 2020.

8 Respectfully submitted,

9 NICHOLAS A. TRUTANICH
10 United States Attorney

11 /s/ James A. Blum _____
12 JAMES A. BLUM
13 Assistant United States Attorney

14 IT IS SO ORDERED:

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16 _____
17 UNITED STATES MAGISTRATE JUDGE

18 4-7-2020

19 DATED: _____
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